

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

ROBERT GRADY JOHNSON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. CIV-16-942-C
	)	
KAMERON HARVANEK, Warden,	)	
	)	
Respondent.	)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation on August 23, 2016, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

In his objection, Petitioner merely restates the evidence and argument originally submitted. He never addresses the timeliness issue which underlies the Report and Recommendation, and indeed, for the reasons stated in the Report and Recommendation, there are no circumstances present here that would justify tolling, equitable or otherwise.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 8), and for the reasons announced therein, this petition for habeas

corpus relief is dismissed, as untimely. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 14th day of September, 2016.



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ROBIN J. CAUTHRON  
United States District Judge